

**REMARKS**

Claims 1-4 have been examined. With this amendment, Applicants add claims 5-13.

Claim 1-13 are all the claims pending in the application.

**I. Formalities**

Applicants thank the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119 and for confirming receipt of the certified copy of the priority document.

**II. Objections to the Drawings**

The Examiner has objected to the drawings alleging that Figs. 1, 4, and 5 fail to show the angles (i.e.,  $\alpha$  and  $\beta$ ) at which the magnetic field is applied as disclosed in the specification on pages 12 and 18.

Applicants have modified the Specification to indicate the appropriate figures in the text describing the angles. Applicants submit that page 18 of the Specification clearly indicates the figures where the respective angles can be referenced.

In addition, Applicants submit that page 10, line 24 to page 11, line 13 of the Specification clearly describes to one skilled in the art the relationship between angle  $\alpha$  and a magnetic field  $G$  and is illustrated in Fig. 2. This section also describes the relationship between angle  $\beta$  and a magnetic field  $G$  and is illustrated in Fig. 3. Therefore, the drawings show every feature of the invention specified in the claims. MPEP 608.02(d).

**III. Claim Rejections - 35 U.S.C. § 103**

The Examiner has rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Ishida *et al.* (US 6,347,016) [“Ishida”] in view of Kawamura *et al.* (US 5,229,983) [“Kawamura”]. For at least the following reasons, Applicants traverse the rejection.

**Claim 1:**

Claim 1 recites a magnetic transfer method “wherein an application angle  $\alpha$  of the transferring magnetic field [for executing a magnetic transfer] is inclined  $0 < \alpha \leq 30^\circ$  or  $-30^\circ \leq \alpha < 0$  with respect to the slave surface.” The Examiner concedes that Ishida does not disclose this feature, but applies Kawamura to allegedly cure this deficiency.

Kawamura relates to a bias magnetic field generating apparatus for a magneto-optical device (col. 1, lines 8-10), whereas, the invention in Ishida relates to recording information using a master information carrier (col. 1, lines 9-15). Because these are fundamentally different inventions (non-analogous art), Applicants submit that one skilled in the art would not have combined these references.

In addition, the Examiner’s proffered reason that it would have been obvious for one skilled in the art to combine the references in order to optimize the magnetic field optimization angle is not supported in the prior art references. Kawamura discloses that the write and erase operations to the magneto-optical disk occur only for two directions of the bias magnetic field (col. 1, lines 10-19). These directions correspond to  $Z_1$  (Fig. 11) and  $Z_2$  (Fig. 12). The magnetic fields corresponding to  $Z_1$  and  $Z_2$  are opposite to one another and are perpendicular to the recording surface (see col. 4, lines 44-50).

The Examiner's cited section (col. 8, lines 6-13) and Fig. 20 just describe an embodiment of the invention, which can provide the required bias magnetic fields. The angle  $\theta$  is chosen with respect to the two magnets in order to provide the optimal magnetic field distribution. However, the directions of the required bias magnetic fields would still have to be perpendicular to the magneto-optical disk surface in order for the device to execute a magnetic transfer of information.

Therefore, contrary to the Examiner's contention, Kawamura does not disclose a magnetic field that can be arranged at "any angle," but only at an angle perpendicular to the recording surface, i.e. 90°, which is outside the claimed application angle as set forth in claim 1.

Accordingly, the Examiner's proffered reason, which appears to be mere speculation, is not evidence in the record as required by *In re Zurko*, 59 USPQ2d 1693.

**Claim 2:**

Claim 2 recites a magnetic transfer method "wherein an application angle  $\beta$  of the transferring magnetic field [for executing a magnetic transfer] is  $0 < \beta \leq 30^\circ$  or  $-30^\circ \leq \beta < 0$  with respect to the track direction on a plane parallel to the slave surface." The Examiner concedes that Ishida does not disclose this feature, but applies Kawamura to allegedly cure this deficiency. The Examiner's reason for combining the references is the same as that given above with respect to claim 1.

Applicants submit that one skilled in the art would not have combined the references for at least reasons similar to those given above with respect to claim 1. In addition, Kawamura is completely silent with respect to an application angle as it relates to a track direction on a plane

parallel to the surface direction. To the extent Kawamura may disclose an inclined angle during a move of the magnet from write to erase or erase to write operation<sup>1</sup>, the angle is only inclined to the recording (slave) surface, and therefore, with respect to a plane parallel to the recording (slave) surface, the angle would always be 0°, which is outside the claimed application angle as set forth in claim 2.

Further, because Kawamura and Ishida are silent on the claimed application range as set forth in claim 2, the Examiner's contention that one skilled in the art would have optimized this angle is unsupported since only result-effective variables can be optimized. See MPEP 2144.05.

**Claim 3:**

Claim 3 recites a magnetic transfer method "wherein a sum of absolute values of an application angle  $\alpha$  of the transferring magnetic field that is inclined with respect to the slave surface and an application angle  $\beta$  of the transferring magnetic field with respect to the track direction on a plane parallel to the slave surface is greater than 0 and less than or equal to 30°." The Examiner concedes that this feature is not disclosed by Ishida, but applies Kawamura to allegedly cure the deficiency. The Examiner's proffered reason for combining the references is the same as that given above with respect to claim 1.

Applicants submit that one skilled in the art would not have combined the references for at least reasons similar to those given above with respect to claim 1. In addition, because Kawamura does not disclose or suggest the claimed application angle  $\alpha$  for at least reasons

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<sup>1</sup> Note that the angle at which write/erase operation is performed is perpendicular to the slave surface as explained in claim 1.

similar to those given above with respect to claim 1 and the claimed application angle  $\beta$  for at least reasons similar to those given above with respect to claim 2, Kawamura cannot disclose or suggest the claimed sum of absolute values as set forth in claim 3.

**Claim 4:**

Because claim 4 recites features similar to those given above with respect to claims 1 and 2, Applicants submit that claim 4 is patentable for at least reasons similar to those given above with respect to claims 1 and 2.

**IV. New Claims**

With this amendment, Applicants add claims 5-13. Applicants submit that claims 5-12 are patentable at least by virtue of their respective dependencies, as well as the features set forth therein. In addition, claim 13 recites that the “magnetic generating device is rotatably mounted.” Because one skilled in the art would not have combined the references for at least the reasons given above and because Ishida does not disclose at least the claimed rotatable mounting of the magnetic generating device, Applicants submit that claim 13 is patentable at least by virtue of this feature.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Amendment Under 37 C.F.R. § 1.111**  
**U.S. Serial No. 10/078,535**

**Attorney Docket No.: Q68390**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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